

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRANDON LISI,

Petitioner,

O R D E R

- against -

20 Civ. 3050 (NRB)

09 Cr. 948 (NRB)

UNITED STATES OF AMERICA,

09 Cr. 1188 (NRB)

Respondent.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS Petitioner Brandon Lisi has petitioned the Court to vacate his sentence pursuant to 28 U.S.C. § 2255 for, inter alia, ineffective assistance of counsel; and

WHEREAS the Government, after reviewing the petition, has concluded that the testimony of Petitioner's former counsel, Randy Zelin, Esq. ("Counsel"), will be needed in order to allow the Government to respond fully to the petition; and

WHEREAS the Court, after reviewing the petition, is satisfied that the testimony of Counsel is needed in order to allow the Government to respond fully to the petition; and

WHEREAS in basing his petition on ineffective assistance of counsel, Petitioner has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order, ethical concerns may inhibit Counsel from disclosing confidential

information relating to a prior client even in the absence of a privilege, see, e.g., ABA Standing Comm. On Ethics and Prof. Responsibility Formal Op. 10-456 (July 14, 2010), Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim;

IT IS HEREBY ORDERED that Counsel shall give sworn testimony, in the form of an affidavit, addressing the allegations of ineffective assistance of counsel made by Petitioner by July 9, 2020, and that the Government shall submit its opposition papers by August 17, 2020.

Dated: New York, New York
June 9, 2020



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE